

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 07/07/2023

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AUGUST IMAGE, LLC,

Plaintiff,

v.

ONE THIRTY BPM LLC,

Defendant.

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Civil Action No.:

1:23-cv-01772-VEC

FINAL DEFAULT JUDGMENT

THIS MATTER came before the Court upon Plaintiff’s Motion for Entry of Final Judgment by Default against Defendant ONE THIRTY BPM LLC. The Court has carefully reviewed Plaintiff’s Motion, the record in this action, and the relevant legal authorities.

Accordingly, it is **ORDERED and ADJUDGED** that Plaintiff’s Motion for Entry of Final Judgment by Default is **GRANTED**. Judgment is hereby entered in favor of Plaintiff, AUGUST IMAGE, LLC (“August”), and against Defendant, ONE THIRTY BPM LLC (“BPM”), on all Counts of the Complaint as follows:

1. BPM has failed to file an appropriate Motion or responsive pleading within the time prescribed by law and a Clerk’s Default [ECF No. 12] was entered against BPM on May 10, 2023.
2. Photographer Sebastian Kim captured the photograph at issue in this case (“Copyrighted Photograph”).
3. August has been appointed as the exclusive administrator and publisher of all copyright rights in and to Copyrighted Photograph.

4. BPM and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with it, are hereby permanently restrained and enjoined from:

a. Copying, displaying, and distributing Copyrighted Photograph.

5. August is due to recover the following damages from BPM:


a. Statutory damages in the amount of \$5,000.00 per 17 U.S.C. § 504(b)

6. The Court retains continuing jurisdiction to enforce this Judgment and permanent injunction.

DONE AND ORDERED in New York, New York this 7 day of

July, 2023.

The Clerk of Court is respectfully directed
to CLOSE the case.



HONORABLE Valerie E. Caproni
UNITED STATES DISTRICT JUDGE

07/07/2023